

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

ANDRE DEWON THOMAS,	)	CASE NO. 3:12 cv 2086
	)	
PETITIONER,	)	JUDGE SARA LIOI
	)	
vs.	)	<b>MEMORANDUM OPINION</b>
	)	
TERRY TIBBALS,	)	
	)	
RESPONDENT.	)	
	)	

Before the Court is the report and recommendation of Magistrate Judge William H. Baughman, Jr. in the above-entitled action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

Petitioner was mailed a copy of Magistrate Judge Baughman's report and recommendation on September 3, 2014. No objections have been filed. The failure to file written objections to the report and recommendation of a Magistrate Judge constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Baughman's report and recommendation and adopts the same. Accordingly, the Court finds that petitioner has not shown that he is entitled to statutory or equitable tolling, and that, absent such tolling, his petition for habeas relief pursuant to § 2254 was filed beyond the one-year limitations period, and is therefore dismissed as untimely.

Accordingly, Andre Dewon Thomas's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is dismissed in its entirety with prejudice.

**IT IS SO ORDERED.**

Dated: September 25, 2014

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**